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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/584,001

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Ricky William Barnett

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EXAMINER

MAH, CHUCK Y

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/584,001	Applicant(s) BARNETT, RICKY WILLIAM	
	Examiner Chuck Mah	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 12-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group I, claims 1-11 in the reply filed on Oct. 12, 2009 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 4-5, it is not clear how the "hinge elements" are structurally linked to "a bracket" to provide a "hinge". The relative hinging parts are not clearly addressed to perform its intended hinging function.

Note similar error in claim 11.

In claim 6, lines 3-5, it is not clear how "four hinge elements together" are related to harmonize the limitation stated in claim 1, line 5, where the hinge elements are "mounted on a bracket with said through holes in alignment". How can four mounted hinge elements, disposed at four lobes, have their through holes in alignment?

In claim 7, again, the limitation is inconsistent with that of claim. It is not clear how “three hinge elements together” mounted on a C-shaped bracket are related structurally such that the three holes are in alignment.

In claim 8, line 3, it is not clear what exactly “three bosses” are referred to and how these bosses are related to the same in claim 1 or the three hinge elements stated in claim 7.

In claim 9, line 2, it is not clear what “the third boss” is referred to, and how it is related to any one of the bosses in the “three hinge elements” of claim 7.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3-5 and 11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lu (6,018,847). Lu has two hinge elements each having an arm 60 and a boss 10 with a through hole, spring 72, and both elements being mounted on a bracket 40 with the through holes in alignment. Note that intended use, for wiring, is given no patentable weight.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lu '847 in view of Katoh (5,970,580).

Lu discloses the claimed invention but for the through hole being 4 mm or larger. Katoh teaches the through hole being sufficiently larger to allow the cable to route through. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the through hole of Lu with sufficient size to allow a cable to route through the hinge axis, as to minimize the space occupied by the cable in the electronic device. As to the specific size of the through hole, Katoh does not show the hole being 4 mm or larger. However, it would have been an obvious matter of design choice to form the hole 4 mm or larger to accommodate the size of the cable, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lu '847 in view of Chen et al. (5,812,368) and Kuivas et al. (6,900,981).

Lu does not show the bracket being H-shaped and with four hinge elements. Chen et al. teaches a hinge having an H-shaped bracket 21 with 4 identical hinge elements 23 respectively attached to the four lobes of the bracket to provide a multi-axis hinge, in order to enhance the positioning adjustability between the upper part and the lower part of the electronic device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bracket of Lu with an H-shaped bracket with four hinge elements as taught by Chen et al. to enhance the positioning adjustment between the upper part and lower part of the electronic device. Further, both Lu and Chen et al. have stops formed on the bracket to limit the opening angle between the upper and the lower parts. Kuivas et al. teaches a hinge bracket 36 having four hinge elements 54, 58, 60, 66, without any stops to restrict the opening angle, to enable the upper part and the lower part to rotate 360 degrees with respect to one another (see figures 5-7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to eliminate the stops of Lu and Chen et al. as taught by Kuivas et al. so that the upper part and the lower part of the electronic device can rotate 360 degrees with respect to one another.

9. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu '847 in view of JP 2002-297574A.

Lu does not show three hinge elements. JP teaches a hinge for an electronic device, having three hinge elements, with the third hinge element attached to the C-shaped bracket 11 and having a bracket and a boss (a third bracket attached to a

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vertical hinge pintle (boss) shown in fig. 3) to allow the upper part and lower part of the electronic device to rotate in a vertical direction and a horizontal direction. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the hinge of Lu with a third hinge element as taught by JP, to allow the upper and the lower parts to rotate in both vertical and horizontal directions.

10. Claim 10 may be given favorable consideration if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Mah whose telephone number is (571)272-7059. The examiner can normally be reached on 5/4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on (571)272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chuck Mah/
Primary Examiner, Art Unit 3677

CM